

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 4 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ESTATE OF VONCILE R. McCALEBB, by
and through its Successors-in Interest Lisa
Rabb and Lashawn Rabb; et al.,

Plaintiffs-Appellees,

v.

AG LYNWOOD, LLC, DBA Lynwood
Healthcare Center, a California Limited
Liability Company,

Defendant-Appellant.

No. 21-55302

D.C. No. 2:20-cv-09746-SB-PVC
Central District of California,
Los Angeles

ORDER

Before: TALLMAN, N.R. SMITH, and COLLINS, Circuit Judges.

The motion for summary affirmance of the district court's judgment (Docket Entry No. 42) is denied because the arguments raised in the opening brief are sufficiently substantial to warrant further consideration by a merits panel. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

The answering brief is due September 5, 2023. The optional reply brief is due within 21 days after service of the answering brief.

All other pending motions are referred to the panel assigned to decide the merits of this appeal.